

ORDINANCE NO. 26-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Congress Avenue Properties Limited, a Florida corporation, is the fee simple owner ("Owner") of approximately 14.73 acres of vacant land ("subject property") which is generally located at the northeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park ("Town"); and

WHEREAS, the subject property's legal description is contained in **Exhibit "A"** and its general location as shown in **Exhibit "B"**, both of which are attached hereto and incorporated herein; and

WHEREAS, the subject property currently has a Future Comprehensive Land Use Designation of "Mixed Commercial/Light Industrial"; and

WHEREAS, Gentile, Holloway, O'Mahoney & Associates, Inc., as the authorized agent for the owner, **Congress Avenue Properties Ltd** ("Applicant"), has submitted an application to the Town for the rezoning of the subject property, from the C-

4 Business Zoning District classification to the C-2 Business Zoning District classification, in contemplation of the future development of the property with a Kohl's retail department store to consist of approximately 98,165 square feet on one portion of the property, with either retail, office, or light industrial uses to be developed on the remaining acreage of the subject property; and

WHEREAS, the Town staff reviewed the Application and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances and its Future Land Use Designation under the Town's Comprehensive Plan and has recommended approval of the proposed rezoning; and

WHEREAS, the Lake Park Planning and Zoning Board reviewed the subject Rezoning Application at their meeting of August 6, 2007, and recommended that the Town Commission approve the Application for the subject property; and

WHEREAS, in addition, on August 30, 2007 the Bioscience Advisory Board adopted a Resolution indicating that this Board has no objections to the proposed rezoning of the subject property; and

WHEREAS, at its duly held quasi-judicial public hearings, the Town Commission considered the proposed rezoning, and received evidence and testimony presented by Town staff, the Planning and Zoning Board, the Applicant, the Applicant's agents and representatives, members of the public, and other interested parties regarding the Application's consistency with the Town's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the Town Commission has determined that the rezoning of the subject property and adoption of this Ordinance is consistent with the Town's Comprehensive Plan and Land Development Regulations, and is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, FLORIDA:**

Section 1. The foregoing recitals are hereby incorporated herein as true and correct findings of fact of the Town Commission, and serve as a basis for the adoption of this Ordinance.

Section 2. The Town Commission hereby rezones the subject property from C-4 Business Zoning District (C-4) to C-2 Business Zoning District (C-2).

Section 3. The Town's Official Zoning Map is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage.

Attachments: Exhibit "A" Legal description of subject property

Exhibit "B" Location map

Upon First Reading this 12 day of September, 2007,
the foregoing Ordinance 26-2007, was offered by Commissioner Balius
who moved its approval. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 26 day of September, 2007, the foregoing
Ordinance 26-2007, was offered by Vice-Mayor Daly who
moved its adoption. The motion was seconded by Mayor Castro,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 26-2007 duly passed and adopted this
26 day of September, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: _____

Mayor, Paul Castro

ATTEST:

Vivian Mendez
Vivian Mendez
Town Clerk

Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 34.03 C (SOUTHERLY PORTION)
O.R.B. 12416 PAGE 162

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NE ¼) OF SECTION 19 TOWNSHIP 24 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE SOUTH LINE OF NORHTLAKE SQUARE EAST, AS RECORDED IN PLAT BOOK 109, PAGE 198, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST LINE OF THE NORHTEAST ONE-QUARTER (NE1/4) OF SAID SECTION 19; BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE FOR WATER TOWER ROAD AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLROIDA.

EXHIBIT B

General Location Map

